In the High Court for the States of Punjab and Haryana, at Chandigarh.

R.S.A.. No. 387 of 2007 (O&M)
Decided on March 22,2007.

State of Punjab,through Collector Amritsar -- Appellant

vs.

Sukhdev Singh -- Respondent.

Present: Mr. Mehardeep Singh, AA.G,Punjab, for the appellant.

Pritam Pal,J: (Oral)

This appeal, by State of Punjab, is directed against judgment dated April 19,2003, passed by learned Civil Judge (Senior Division), Amritsar, whereby a suit for recovery of Rs. 2,81,610/-, on account of damages (Rs.1,39,000/-original amount recoverable from respondent Sukhdev Singh, plus interest @ 12% per annum thereon) was decreed. Thereafter, the appeal filed by the appellant/defendant (hereinafter referred to as 'the appellant'), was also dismissed, by the learned District Judge, Amritsar, vide judgment and decree dated January 19,2006. This is how feeling aggrieved, the appellant has come up in this appeal before this Court.

The sole contention raised by learned counsel for the appellant is that rate of interest awarded by the Courts below, is on higher side. A perusal of the impugned judgments and decrees passed by the Courts below, goes a long way to show that initially respondent

Sukhdev Singh was involved in a false case registered against him vide F.I.R.No. 63 dated January 27,1983, under Sections 457/380 of I.P.C. at Police Station, Civil Lines, at Amritsar. A false recovery of an amount of Rs. 1,39,000/-, was planted against him, said amount was, in fact, collected by the respondent from his relatives through cheques and ultimately, that amount was falsely shown to have been recovered from him (Sukhdev Singh) by the appellant. In the aforesaid case, respondent Sukhdev Singh was acquitted by the Court of learned Chief Judicial Magistrate, Amritsar, vide judgment dated September 07,1993.

Both the Courts below have given concurrent findings that the aforesaid amount of Rs. 1,39,000/- was shown to have been falsely recovered from the respondent. A close perusal of the impugned judgments and decrees shows that the aforesaid amount of Rs.1,39,000/- was of the respondent and the Criminal Court, while acquitting him in the aforesaid case, had ordered for returning the said amount to him (respondent). Not only that, both the Courts below have also given concurrent findings that the aforesaid amount of Rs.1,39,000/- was illegally taken from the respondent and the same amount remained with the State of Punjab, till he was acquitted by the Criminal Court. In this way, he was prevented from using the said amount in his business for a considerable period. The rate of interest awarded to the respondent, in the given circumstances of this case, is also quite reasonable and justified. Moreover, learned counsel for the appellant could not make out any substantial question of law for consideration by this Court.

Taking an over-all view of the facts and circumstances, as discussed above and finding no merit in this appeal, the same is hereby

dismissed in *limine*.

So far as the question of condonation of delay of 214 days in filing this appeal, is concerned, now that requires no adjudication.

March 22,2007 (Pritam Pal)
RR Judge